



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 27, 1998

Mr. Edward Perry
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR98-2503

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119159.

The City of Dallas City Auditor received a request for a reports of a specified date, case number and investigator. The requested information relates to certain City of Dallas code enforcement matters. You submitted representative samples of the requested reports.¹ You seek to withhold information, in accordance with your markings of the sample reports, which identifies individuals who reported the alleged code violations to which the reports pertain. You invoke the "informer's privilege" as incorporated in Government Code section 552.101.

Section 552.101, which excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," incorporates the informer's privilege. Open Records Decision No. 515 (1988) (dealing with predecessor statute). The informer's privilege has been recognized by Texas courts. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). In *Roviaro v. United States*, 353 U.S. 53, 59 (1957), the United States Supreme Court explained the rationale that underlies the informer's privilege:

¹In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

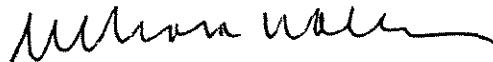
What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of *violations of law to officers charged with enforcement of that law*. [Citations omitted.] The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, *by preserving their anonymity*, encourages them to perform that obligation. [Emphasis added.]

The "informer's privilege" aspect of section 552.101 protects the identity of persons who report violations of the civil or criminal law to law enforcement or administrative officials with a duty of enforcing such laws. Open Records Decision No. 515 (1988).

We have examined the information at issue and considered your arguments. We conclude that you may withhold, under the informer's privilege aspect of section 552.101, the identities of citizens who reported the alleged code violations to which the requested reports relate. You may withhold such information in accordance with your markings of the sample reports you submitted.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119159

Enclosures: Submitted documents

cc: Ms. Karen Hughes
4602 E. Side Avenue
Dallas, Texas 75226
(w/o enclosures)